

PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

CHIEF HEARING OFFICER DIRECTIVE

DOCKET NO. 2021-349-E ORDER NO. 2022-6-H

JANUARY 10, 2022

CHIEF HEARING OFFICER: David Butler

DOCKET DESCRIPTION:

Joint Petition of Duke Energy Carolinas, LLC and Duke Energy Progress, LLC to Request the Commission to Hold a Joint Hearing with the North Carolina Utilities Commission to Develop Carbon Plan

MATTER UNDER CONSIDERATION:

Petition to Intervene of Nucor Steel – South Carolina (“Nucor”)

CHIEF HEARING OFFICER’S ACTION:

This matter comes before the Chief Hearing Officer on the Petition to Intervene of Nucor in this Docket. The Petition is timely filed, and no objections to the intervention have been filed.

Nucor states that it owns and operates a steel production facility near Darlington, South Carolina. As a retail customer of Duke Energy Progress, LLC (“DEP”), Nucor asserts that it purchases hundreds of millions of kWh of electricity annually at a cost of millions of dollars per year. Since the cost of electricity comprises one of the major costs of Nucor’s manufacturing process, electric costs, according to Nucor, directly affect Nucor’s ability to continue to produce steel at a competitive price.

As a large industrial customer of DEP, Nucor states that it has a stake in, and may be directly and substantially affected by, the outcome of this proceeding. Due to the magnitude of its load and its unique service characteristics, Nucor asserts that it cannot be adequately represented by any other party to this proceeding. At this stage in the proceeding, Nucor has not fully determined what position it may take.

After it has been determined that the Petition to Intervene has been timely filed, the next question for the Commission is to determine whether or not the petitioning party or parties have clear factual support or grounds for the proposed intervention. S.C. Regs. 103-825A(3) requires that parties filing a Petition to Intervene in a matter pending before the South Carolina Public Service Commission must set forth clearly and concisely:

- (a) The facts from which the nature of the petitioner's alleged right or interest can be determined;**
- (b) The grounds of the proposed intervention;**
- (c) The position of the petitioner in the proceeding.**

From the discussion and assertions in Nucor's Petition and its assertions, this Hearing Officer holds that Nucor has successfully satisfied all of the criteria for intervention stated in the Regulation. The Petitioner's interest in these matters can clearly be discerned, as can the grounds for the intervention. Although Nucor has not yet fully determined what position it may take, intervention at this stage of the proceeding will not prejudice the other parties to the case, or delay the proceeding. Thus, the third criterion for intervention is deemed to have been met. Further, the Petition to Intervene was timely filed and there are no objections to the intervention. Accordingly, the Petition to Intervene of Nucor Steel – South Carolina is hereby granted in this Docket. This ends the Chief Hearing Officer's Directive.